

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

1 INTERNATIONAL BROTHERHOOD OF) Case No.: 10-CV-01280-LHK
2 ELECTRICAL WORKERS DISTRICT 9)
3 PENSION PLAN; NORTHERN CALIFORNIA-)
4 NORTHERN NEVADA SOUND &)
5 COMMUNICATION DISTRICT NO. 9)
6 HEALTH & WELFARE TRUST FUND;)
7 NORTHERN CALIFORNIA-NORTHERN)
8 NEVADA SOUND & COMMUNICATION) ORDER RE: STIPULATION FOR
9 DISTRICT NO. 9 APPRENTICESHIP &) ENTRY OF JUDGMENT
10 TRAINING COMMITTEE; JOHN O'ROURKE,)
11 as Trustee of the above,)
12 Plaintiffs,)
13 v.)
14 SOLANO COMMUNICATIONS, INC., a)
15 California corporation,)
16 Defendant.)
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19)
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21)

On November 18, 2010, the parties filed a Stipulation for Contingent Order of Dismissal (“Stipulation”), indicating that they had settled this case and had agreed to dismiss it without prejudice, and that Plaintiffs could reopen the case if necessary to enforce the settlement agreement. ECF No. 21.

On November 22, 2010, the Court entered a Contingent Order of Dismissal, dismissing the action without prejudice. ECF No. 23. That Order provided that the Court would reopen the case if any party certified that the consideration set forth in the settlement had not been delivered. *Id.*

1 On October 16, 2012, Plaintiffs filed a motion to reopen the case (“Motion to Reopen”),
2 accompanied by the required proofs of service, and declarations certifying that Defendant had
3 failed to make required payments. *See* ECF Nos. 28; 29; 30; 35. On December 10, 2012, the Court
4 ordered that this action be reopened. ECF No. 36.

5 The parties’ Stipulation further provided: “If the settlement payments are not made in a
6 timely fashion or if the Settlement Agreement is otherwise breached, Plaintiffs can file a
7 Stipulation for Entry of Judgment attached to the Settlement Agreement as Exhibit ‘A’. The Court
8 shall then Order the Entry of Judgment.” ECF No. 21 at 2.

9 In Plaintiffs’ October 16, 2012 Motion to Reopen, Plaintiffs also sought entry of judgment
10 pursuant to the Stipulation. *See* ECF No. 35. However, the Court found that Plaintiffs’ proposed
11 order entering judgment was not in the form of the stipulated judgment that the parties had
12 included in their Stipulation. ECF No. 36 (citing ECF No. 21 at 8). The Court also expressed
13 concern that Plaintiffs’ counsel had indicated uncertainty as to the precise amount of fees to be
14 awarded. *Id.* (citing ECF No. 29 at 4). The Court allowed Plaintiffs to “insert the appropriate
15 amount and file the stipulated judgment with appropriate documentation of the precise amount due
16 by December 17, 2012.” *Id.*

17 On December 17, 2012, Plaintiffs filed the “Stipulation for Entry of Judgment” that had
18 been included in their original 2010 Stipulation. *See* ECF No. 38 (Stipulation for Entry of
19 Judgment originally included in ECF No. 21). Plaintiffs filled in the appropriate blank space for
20 the amount of judgment with the figure \$18,970.56. ECF No. 38 at 2. Plaintiffs also included two
21 attachments, one entitled “Solano Communications,” ECF No. 38-1, and the other entitled “Legal
22 Insight Inquiry: Case Activity,” ECF No. 38-2. The filing does not include any explanation of
23 what these two attachments represent, or how the contents of these attachments relate to the
24 requested \$18,970.56.

25 Plaintiffs are hereby ORDERED to file a declaration explaining how the requested
26 \$18,970.56 was calculated, with explicit reference to accompanying documentation, by June 11,
27 2013. Defendant shall file any objections or request for a hearing on this matter by June 25, 2013.

28 **IT IS SO ORDERED.**

1 Dated: May 28, 2013

Lucy H. Koh

2 LUCY H. KOH
3 United States District Judge

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